

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOSEPH WAYNE EVANS,

Plaintiff,

v.

ORDER

19-cv-42-wmc

GARY BOUGHTON and
MARK KARTMAN,

Defendants.

Pro se plaintiff Joseph Wayne Evans, who is currently incarcerated at the Wisconsin Secure Program Facility (“WSPF”), filed this lawsuit pursuant to 42 U.S.C. § 1983. He claims that defendants violated his Eighth Amendment rights in handling his medical care following surgery. The complaint was filed on January 14, 2019, and is currently under advisement for screening pursuant to 28 U.S.C. § 1915A. However, Evans now seeks to withdraw the complaint voluntarily, provided that he receive a refund of the \$350 filing fee. (Dkt. #22.) Evans’ motion will be granted because he has provided sufficient justification for withdrawing his complaint and having his filing fee refunded. Further, since this case has not yet been screened, dismissing it will not prejudice the defendants.

ORDER

IT IS ORDERED that plaintiff Joseph Evan’s motion to voluntarily dismiss his case and for a refund of the filing fee (dkt. #22) is GRANTED. This case is DISMISSED without prejudice pursuant to Fed. R. Civ. P. 41(a)(1). The clerk’s office is directed to return the filing fee to Evans.

Entered this 1st day of March, 2021.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge